

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gregory H. Altman et al.

Application No.: 10/800,134

Filed: March 11, 2004

For: IMMUNONEUTRAL SILK-FIBER-
BASED MEDICAL DEVICES

Examiner: David M. Naff

Group Art Unit: 1657

Confirmation No.: 6963

LETTER TO EXAMINER

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Allergan is the applicant and co-owner of this application as shown by the enclosed assignment recorded March 14, 2011 with the US PTO at Reel/Frame 025948/0412 of this application from Serica Technologies, Inc.

Applicant asks the Examiner to provide at his earliest convenience a response to the Response to Final Office Action applicant filed December 29, 2009 (with a Request for Continued Examination) with the Office in this application.

Date: May 20, 2011

Respectfully submitted,

/Stephen Donovan/
Stephen Donovan
Registration No. 33,433

Please send all inquiries and correspondence to:

Patent Department
Allergan, Inc. (T2-7H)
2525 Dupont Drive
Irvine, CA 92612
Telephone: 714/246-4356
Facsimile: 714/246-4249

ASSIGNMENT

WHEREAS Serica Technologies, Inc., a corporation duly organized and existing under and by the laws of the State of Delaware and having its principal place of business at 200 Boston Avenue, Suite 3700, Medford, Massachusetts, U.S.A., 02155 (hereafter, together with any successors, legal representatives, or assigns thereof, the "ASSIGNOR"), owned rights in, to and under the U.S. and foreign patents and patent applications listed in the attached APPENDIX (hereafter the "Patent Rights");

WHEREAS, Allergan, Inc., a corporation duly organized and existing under and by the laws of the State of Delaware and having its principal place of business at 2525 DuPont Drive, Irvine, California U.S.A. 92612, (hereafter, together with any successors, legal representatives, or assigns thereof, the "ASSIGNEE"), acquired the Patent Rights owned by ASSIGNOR under the terms of a January 11, 2010 Agreement and Plan of Merger;

AND WHEREAS, ASSIGNOR and ASSIGNEE desire to have a recordable instrument formalizing the transfer of the Patent Rights owned by ASSIGNOR to ASSIGNEE;

NOW, THEREFORE, for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR does hereby assign, transfer, endorse, sell, set over and convey unto ASSIGNEE its full and entire right, title and interest in, to and under the Patent Rights including its full and entire right, title and interest in, to and under 1) any patent application which has been or will be filed that is entitled to a benefit of priority to the patents and patent applications listed in the Patent Rights, or any other legal instrument equivalent thereof including, without limitation, continuation, division, continuation-in-part, substitute, reexamination, renewal, inventor's certificate, utility model or any other legal instrument equivalent thereto, which may be submitted therefor and thereon in the United States of America, its territorial possessions or in any and all foreign countries and any letters patent or any other legal instrument equivalent thereof which may be granted therefor and thereon in the United States of America, its territorial possessions, or in any and all foreign countries, under national laws or under the provisions of the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, and any other international treaty equivalent thereof, for the full term or terms for which the same may be granted; 2) any reissue, extension, or any other legal instrument equivalent thereof of the patents and patent applications listed in the Patent Rights which has been or may be granted therefor and thereon in the United States of America, its territorial possessions, or in any and all foreign countries, under national laws or under the provisions of the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, and any other international treaty equivalent thereof; the same right, title and interest in, to and under the Patent Rights to be held and enjoyed by the ASSIGNEE for the use of the ASSIGNEE for the full term or terms for which the same may be granted, as fully and entirely as the same would have been held and enjoyed by the ASSIGNOR had this Assignment not been made;

ASSIGNOR hereby further covenants and agrees to and with the ASSIGNEE that where lawful and desirable and whenever requested by said ASSIGNEE, without charge to the ASSIGNEE, but at the cost and expense of the ASSIGNEE, the ASSIGNOR will generally perform any action which may be necessary and desirable to secure and to vest in the ASSIGNEE the full and entire right, title and interest in, to and under the Patent Rights hereto assigned in the manner herein set forth, including, but not limited to promptly communicating and providing any and all known and accessible facts, data or any other pertinent information thereof; promptly executing and delivering any and all papers, documents, forms, declarations, oaths, affidavits and other legal instrument thereof; promptly assisting and participating in any and all depositions, hearings, proceedings, trials, appeals, or other legal procedure thereof; promptly testifying under oath in any and all interference, litigation or any other judicial proceeding thereof; and promptly completing any and all actions necessary or desirable to carry out any and all purposes thereof, relating to any and all proceedings in connection with the submission, procurement, issuance, maintenance,

enforcement or defense relating to the transferred right, title and interest in, to and under the Patent Rights hereto assigned in the manner herein set forth.

IN TESTIMONY WHEREOF, I hereunder set my hand this 14th day of March, 2011, as a duly authorized representative of ASSIGNOR.

[Signature]
Serica Technologies, Inc.

ASSIGNOR

Name: Matthew J. Maletta

Title: Vice President and Secretary

State of California)
)ss.:
County of Orange)

On this 14th day of March, 2011, before me, Susan Bartholomew, personally appeared Matthew J. Maletta, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. I certify under Penalty of Perjury under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

[Signature]

ACKNOWLEDGED AND CONFIRMED, I hereunder set my hand this 11th day of March, 2011, as a duly authorized representative of ASSIGNEE.

[Signature]
Allergan, Inc.

ASSIGNEE

Name: Debra D. Condino

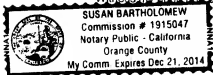
Title: Assistant Secretary

State of California)
)ss.:
County of Orange)

On this 11th day of March, 2011, before me, Susan Bartholomew, personally appeared Debra D. Condino, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. I certify under Penalty of Perjury under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

[Signature]



APPENDIX
PATENT RIGHTS: PATENTS AND PATENT APPLICATIONS

Allergan Docket No.	Title	Application Serial No.	Patent No.
18665 PROV (SER)	Prosthetic Device and Method of Manufacturing the Same	US 60/919,126	—
18665-CA-PCT (SER)	Prosthetic Device and Method of Manufacturing the Same	CA 2,682,701	—
18665-EP-PCT (SER)	Prosthetic Device and Method of Manufacturing the Same	EP 08799598	—
18665-HK-EP (SER)	Prosthetic Device and Method of Manufacturing the Same	HK 10105954	—
18665-JP-PCT (SER)	Prosthetic Device and Method of Manufacturing the Same	JP 2009-554755	—
18665-US (SER)	Prosthetic Device and Method of Manufacturing the Same	US 12/052,719	—
18665-PCT (SER)	Prosthetic Device and Method of Manufacturing the Same	PCT/US08/57768	—
18668-AU-PCT (SER)	Matrix for the Production of Tissue Engineered Ligaments, Tendons and Other Tissue	AU 2002366083	—
18668-CA-PCT (SER)	Matrix for the Production of Tissue Engineered Ligaments, Tendons and Other Tissue	CA 2,467,195	—
18668-EP-PCT (SER)	Matrix for the Production of Tissue Engineered Ligaments, Tendons and Other Tissue	EP 02803634	EP 1448765
18668-EP-DIV1-PCT (SER)	Matrix for the Production of Tissue Engineered Ligaments, Tendons and Other Tissue	EP 10182736	—
18668-JP-PCT (SER)	Matrix for the Production of Tissue Engineered Ligaments, Tendons and Other Tissue	JP 2003-545173	—
18668-JP-DIV1-PCT (SER)	Matrix for the Production of Tissue Engineered Ligaments, Tendons and Other Tissue	JP 2009-263511	—
18668-US (SER)	Helically Organized Silk Fibroin Bundles for Matrices in Tissue Engineering	US 10/008,924	US 6,902,932
18668-US CON1 (SER)	Silk Fibroin Fiber Bundles for Matrices in Tissue Engineering	US 10/990,199	—
18668-US CON2 (SER)	Sericin Extracted Silkworm Fibroin Fibers	US 12/770,570	—
18668-PCT (SER)	Matrix for the Production of Tissue Engineered Ligaments, Tendons and Other Tissue	PCT/US02/36736	—
18668 CIP1 PROV (SER)	Immunoneutral Silk-Fiber-Based Medical Devices	US 60/453,584	—
18668 CIP1-CA-PCT (SER)	Immunoneutral Silk-Fiber-Based Medical Devices	CA 2,518,509	—
18668 CIP1-EP-PCT (SER)	Immunoneutral Silk-Fiber-Based Medical Devices	EP 04719844	—
18668 CIP1-JP-PCT (SER)	Immunoneutral Silk-Fiber-Based Medical Devices	JP 2006-507132	—
18668 CIP1-JPDIV1-PCT (SER)	Matrix for the Production of Tissue Engineered Ligaments, Tendons and Other Tissue	JP 2011-030342	—
18668 CIP1 (SER)	Immunoneutral Silk-Fiber-Based Medical Devices	US 10/800,134	—
18668 CIP1CON1 (SER)	Sericin Extracted Fabrics	US 12/770,588	—
18668 CIP1-PCT (SER)	Immunoneutral Silk-Fiber-Based Medical Devices	PCT/US04/07647	—
18705 PROV (SER)	Silk Fibroin Hydrogels and Uses Thereof	US 61/170,895	—
18711 PROV (SER)	A Prosthetic Device and Method of Manufacturing the Same	US 61/122,520	—
18711 (SER)	A Prosthetic Device and Method of Manufacturing the Same	US 12/680,404	—
18711-PCT (SER)	A Prosthetic Device and Method of Manufacturing the Same	PCT/US09/63717	—